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In re Application of
Steinbichler et al.
Serial No.: 09/996,239
Filed: November 23, 2001
For: PROCESS AND APPARATUS FOR
RECORDING THE DEFORMATION
OF OBJECTS

DECISION ON PETITION
UNDER 37 C.F.R. §1.181

This is a decision on the petition under 37 C.F.R. §1.181 filed on February 9, 2004 to withdraw the finality of the Office action mailed December 5, 2003. The petition was timely filed within two months of the mailing of the final rejection by way of Certificate of Mailing under 37 C.F.R. §1.8 dated February 5, 2004 and included therein.

The petition is **GRANTED**.

The record indicates that applicant's REQUEST FOR WITHDRAWAL OF FINALITY OF OFFICE ACTION filed on January 13, 2004 by facsimile transmission was received on the same day by the Patent and Trademark Office (PTO). Regretfully, the request never did reach the primary examiner for consideration.

The petition is granted for the reasons stated by applicant in the petition. The finality of the Office action dated December 5, 2003 is withdrawn and prosecution is reopened. However, the shortened statutory period continues to run from December 5, 2003 as also noted by applicants on page 3 of the petition. Any amendments from applicants must be submitted by June 5, 2004 with appropriate extensions of time.

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